

FEB 16 2010

GAMBLING COMMISSION
COMM & LEGAL DIVISIONSTATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON STATE GAMBLING COMMISSION

In the Matter of the Suspension of the
Class III Certification to Conduct Gambling
Activities of:

Christopher M. Ingrum
Mount Vernon, Washington,

Class III Employee.

Docket No. 2010-GMB-0006

GC No. CR 2009-01585

INITIAL ORDER**STATEMENT OF THE CASE**

Administrative Law Judge Todd Gay conducted a stay hearing in this matter on January 22, 2010, at the Gambling Commission Office at 4565 - 7th Avenue SE, Lacey, Washington. The issue presented is whether the Washington State Gambling Commission ("Commission") notice and order of summary suspension served on January 5, 2010 should be stayed pending resolution following hearing on the merits.

By stipulation of the parties, at hearing on January 22, 2009, full hearing on the merits of the case was held. The Commission seeks revocation Christopher Ingrum's Class III certification CR 2009-01585. Christopher Ingrum prays for a temporary suspension.

H. Bruce Marvin, Assistant Attorney General, appeared and represented the Commission. Special Agent Edward Ward appeared as the witness for the Commission. Vicki Ingrum appeared as the witness for Christopher Ingrum.

On or about October 21, 2009, the Stillaguamish Gaming Commission issued Notice of Tribal License Suspension, Denial or Revocation, revoking Christopher Ingram's Gaming License Number 2074.

On or about December 29, 2009, the Gambling Commission issued Findings of Fact, Conclusions of Law and Order of Summary Suspension of License CR 2009-01585. On January 11, 2010, the Gambling Commission received Christopher Ingram's application for Brief Adjudicative Proceeding (Stay Hearing). The Commission accepted the request for a stay hearing. This matter was scheduled for stay hearing within seven days pursuant to WAC 230-17-170(3).

Having considered the entire record, the undersigned Administrative Law Judge enters the following Findings of Fact, Conclusions of Law and Initial Order.

FINDINGS OF FACT

1. Christopher Ingram holds a Class III Certification to Conduct Gambling Activities.
2. As a Class III Certificate holder, Mr. Ingram was employed as a dealer by the Angel of the Winds Casino owned by the Stillaguamish Tribe and operated pursuant to a State-Tribal Gaming Compact.
3. In the early morning of September 22, 2009, Mr. Ingram was playing Fortune Pai Gao at the Great American Casino in Everett. Mr. Ingram was not on duty; he was playing the game as a personal endeavor. Player Yo "John" Ku was seated at the table to Mr. Ingram's left, and at the time of the incident Mr Ku had approximately \$77 worth of gambling chips on the table. At approximately 2:30 am, Mr Ku left the table. While he was away, Ingram placed bets using Ku's chips. When Ku returned, he found his chips missing

and reported the incident to Casino management. Review of the surveillance videotape established that Ingram had stolen the chips.

4. A Gambling Commission Special Agent interviewed Mr. Ingram about the incident. Mr. Ingram acknowledged that he took the chips, and that they did not belong to him.

5. At hearing, Mr. Ingram freely acknowledges and admits the above facts. There are no facts in dispute.

6. Mr. Ingram, age 26, has been licensed to work in gambling since April 2007. His first job was with the Snohomish Tribe in Anacortes, Washington. He started working for the Angel of the Winds Casino in May 2008. He is qualified to operate a number of different games, including Roulette, Black Jack, Pai Gao, Spanish 21, Ultimate Texas Hold'em.

7. According to Mr. Ingram, his employer, Angel of the Winds, has not "officially terminated" his employment. He says he has apologized. He now prays for a one-year suspension.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the persons and subject matter of this case pursuant to RCW 9.46.140, Chapter 34.05 RCW, and Title 230 WAC.

2. The Commission summarily suspended Christopher Ingram's Class III Certification on December 29, 2009 pursuant to RCW 9.46.070(17), based on the admitted conduct of Mr. Ingram, as described above.

3. The Court of Appeals has distinguished crimes involving moral turpitude in the following manner:

. . . Traditionally the distinction between crimes that require guilty knowledge and those that do not are analyzed as crimes *mala in se* and *mala prohibita*. [footnote omitted] A crime which is *malum in se* is defined as an act which is "immoral or wrong in [itself], or naturally evil, such as murder, rape, arson, burglary and larceny, . . . " 22 C.J.S. *Criminal Law* §8, at 19-20 (1961). This class of crime generally involves "moral turpitude." A crime which is *malum prohibitum* is one prohibited by statute because it infringes "on the rights of others, although no moral turpitude or dereliction may attach, . . . " 22 C.J.S. *Criminal Law* §8, at 20 (1961).¹

Moral turpitude is determined from the inherent immoral nature of the act. *In Re McGrath*, 98 Wn.2d 337, 655 P.2d 232 (1982).

4. Although Christopher Ingram has not been charged with a crime, his admitted conduct places him under suspicion of a crime involving moral turpitude.

5. The Gambling Commission may revoke any license or permit, when the licensee commits any act which constitutes grounds for revoking licenses and permits under RCW 9.46.075 or WAC 230-03-085, or who poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and the conduct of gambling activities, as demonstrated by prior activities, reputation, habits or associations. WAC 230-03-085(8).

6. RCW 9.46.075 provides that the Gambling Commission may revoke any license or permit issued by it for any reason or reasons it deems to be in the public interest. The reasons include failure to prove by clear and convincing evidence that he is qualified in accordance with the provisions of this chapter. RCW 9.46.075(8).

¹ *State v. Hartzog*, 26 Wn. App. 576, 592, 615 P.2d 480 (1980), *rev'd on other grounds*, 96 Wn.2d 383, 635 P. 2d 694 (1981).

7. Under RCW 9.46.153 the licensee has the affirmative responsibility to establish by clear and convincing evidence the necessary qualifications for licensure.

8. The conduct in question demonstrates violation of RCW 9.46.075(10). The licensee “[h]as pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state [and] such pursuit creates probable cause to believe that [his] participation in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain[.]”

9. Pursuant to WAC 230.03.085(8), the conduct in question would demonstrate that the licensee “[p]oses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities . . .”

10. The Gambling Commission seeks revocation of the Class III Certification of Christopher Ingram. Mr. Ingram prays for a lesser consequence: a one-year suspension.

11. Mr. Ingram argues that his reinstatement would not jeopardize the integrity of gaming in the State of Washington; that his conduct was the result of an “evil impulse” not his real nature; that he has already paid a penalty, having been unemployed since October 2009; and that he is no threat to the public. With regard to the incident in question, Mr. Ingram testifies that he had no agenda to steal, until after the player next to him, Mr. Ku, had been absent from the table for some time.

12. The Attorney General argues that regardless of whether the conduct was the result of "bad judgment", even a mere momentary lapse is a "red flag". The closely regulated enterprise of gambling must be protected. Gambling is the most heavily regulated activity under our State Constitution. Gambling is generally "frowned upon" and allowed only in a strictly controlled environment.

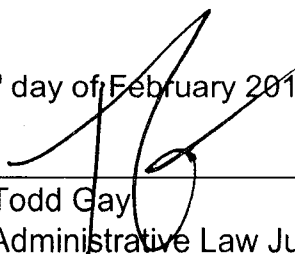
13. In deference to the expertise of the Gambling Commission, the undersigned will not in this case deviate from the recommendation of revocation.

INITIAL ORDER

IT IS ORDERED THAT

Christopher Ingram's Class III Certification to Conduct Gambling Activities—CR 2009-01585 is REVOKED.

DATED at Olympia, Washington, this 12th day of February 2010.



Todd Gay
Administrative Law Judge
Office of Administrative Hearings

NOTICE TO THE PARTIES

This order is entered pursuant to RCW 34.05.482, 34.05.485, and WAC 230-17-150, 230-17-160, and 230-17-170.

Review of this order is available pursuant to RCW 34.05.488, 34.05.491, 34.05.494, and WAC 230-17-175.

Certification of Mailing

I certify that I mailed true and exact copies of this **INITIAL ORDER** to the following parties, postage prepaid this 12th day of February 2010 at Olympia, Washington.


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